

In the Matter of)
)
ALLEGHENY COUNTY SANITARY AUTHORITY) File No. 0004435804
)
Application to Modify License for Station WQAH337)

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allege that Allegheny's operations have caused any actual interference to, or obstructed the licensing of, any central station commercial protection service.

4. *Discussion.* We agree with CSAA that Allegheny has not demonstrated eligibility for frequency 460.950 MHz, because Allegheny does not render a central station commercial protection service, and Station WQAH337 operates within the boundaries of the Pittsburgh urbanized area. Nonetheless, we deny CSAA's objection, and will process Allegheny's application.

5. As noted above, Allegheny has been licensed to operate low-power mobile units in a limited area on frequency 460.950 MHz since 2004. In a similar matter – *i.e.*, where a third party requested deletion of a frequency years after the license was erroneously granted, and did not allege any actual interference – we concluded that license modification was not appropriate.⁹ We reach the same conclusion in this matter. CSAA does not appear to have been aggrieved by Allegheny's operation of Station WQAH337 until Allegheny filed the above-captioned application to add narrowband emission designators. Under these circumstances, we conclude that license modification is not necessary at this time.¹⁰ Therefore, we will not revoke or modify Allegheny's license to delete frequency 460.950 MHz, and we will process its application to modify the license to add narrowband emission designators.

6. Accordingly, IT IS ORDERED that the informal objection filed by the Central Station Alarm Association on November 17, 2010, IS DENIED, and application FCC File No. 0004435804 SHALL BE PROCESSED consistent with this *Order* and the Commission's Rules.

7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁹ See National Science and Technology Network, Inc., *Order*, 24 FCC Rcd 9220, 9221 ¶ 4 (WTB MD 2009) (“While there is a strong public interest in upholding the Commission's rules and procedures, the fact that NSTN's application may have been improperly granted does not by itself require license modification under Section 316 [of the Communications Act of 1934, as amended]. The Commission has stated that ‘[l]icense modification pursuant to Section 316 should be undertaken only under those limited and unusual cases where, in the light of the circumstances, it is clear that such action will promote the public interest, convenience, and necessity,’ and that the length of time between the grant of the license and the filing of the modification request ‘is certainly a legitimate question for consideration as part of the public interest, convenience, and necessity inquiry.’”) (quoting Pacific Gas and Electric Company, *Memorandum Opinion and Order*, 18 FCC Rcd 22761, 22767-68 ¶ 16 (2003); JPJ Electronic Communications, Inc., *Memorandum Opinion and Order*, 17 FCC Rcd 5512, 5515 ¶ 6 (2002)).

¹⁰ In the event that Allegheny's operations conflict with any present or future central station commercial protection service operations, CSAA may file a new request for license modification. See License Communications Services, Inc., *Order*, 24 FCC Rcd 3228, 3231 ¶¶ 8-9 (WTB MD 2009), *aff'd in pertinent part, Order on Reconsideration and Order Proposing Modification*, 25 FCC Rcd 3680, 3683 ¶ 9 (WTB MD 2010).